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FEDERAL COMMUNICATIONS COMMISSION
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March 24, 1993

Hon. James H. Quello
Chairman
Federal Communications Commission
Room 802
1919 M Street, N.W.
Washington, D.C. 20554

Re: Implementation of Sections 12 and 19 of the Cable Television Consumer
Protection and Competition Act of 1992 -- MM Docket No. 92-265
WRITTEN EX PARTE COMMUNICATION

Dear Chairman Quello:

In its earlier comments in this proceeding, wireless cable system operator People's Choice TV Partners ("PCTV") recounted the difficulties that it was encountering in dealing with Netlink, a distributor of superstation programming to cable systems and home satellite viewers. With the Commission about to adopt rules implementing the program access provisions of the Cable Television Consumer Protection and Competition Act of 1992 (the "1992 Cable Act"), PCTV would like to update you on recent developments.

PCTV owns and operates the wireless cable system serving over 11,000 subscribers in and around Tucson, AZ. Tucson is the spring training home of one of Major League Baseball's two new teams, the Colorado Rockies. Given the lack of any Major League Baseball team in the Southwest, it is not surprising that the Tucson community has quickly embraced the Rockies as its own "home team."

Many of the pre-season and regular season games of the Rockies will be broadcast over KWGN (Denver, CO), and PCTV would like to retransmit those games in Tucson. Representatives of PCTV have met with the Rockies' owners and had numerous discussions with KWGN, all of whom are quite enthusiastic about PCTV's plan to strengthen the ties between Tucson and the Rockies by retransmitting in Tucson KWGN's coverage of Rockies' games.

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As PCTV noted in its earlier comments, the problem is that Netlink, which is vertically integrated with Tele-Communications, Inc. ("TCI") and is the only company uplinking the KWGN signal, continues to deny PCTV access to the signal. This is not a case where exclusivity has been granted to local cable operators. No cable system with which PCTV competes, not even the system in which TCI has an ownership interest, has an exclusive agreement with Netlink. Indeed, no cable system in the Tucson area is carrying KWGN.

In PCTV's comments, it recounted that the Netlink representative first contacted by PCTV to secure carriage of KWGN stated that Netlink's policy is to refuse to deal with wireless cable. While representatives of Netlink have since attempted to back away from that